

April 14, 2005

TO: City of Lincoln Personnel Board Members

SUBJECT: Personnel Board Meeting
Thursday, April 21, 2005
1:30 p.m., Council Chambers
County-City Building

N O T I C E

The meeting previously announced for Thursday, April 21, 2005, has been cancelled.

The next meeting is tentatively set for Thursday, May 19, 2005 at 1:30 p.m.

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A G E N D A

- ITEM 1: Request for appeal hearing – Cindy Lugan — Finance/Information Services.
- ITEM 2: Miscellaneous Discussion.

PC: Joan Ross, City Clerk
Cindy Lugan

DT ✓

KEATING, O'GARA, DAVIS & NEDVED, P.C.

A LIMITED LIABILITY ORGANIZATION

ATTORNEYS AT LAW

CON M. KEATING
ROBERT M. O'GARA
W. SCOTT DAVIS
GARY J. NEDVED
PAUL J. PETER
ANNE E. WINNER
JEFFERSON DOWNING
DOUGLAS J. PETERSON
GARY L. YOUNG
TRACY A. FOLLMER
JOEL E. NELSON

JANE E. BURKE, OF COUNSEL

530 SOUTH 13TH STREET, SUITE 100

March 3, 2005 LINCOLN, NEBRASKA 68508-2795

TELEPHONE (402) 475-8230

TOLL FREE (888) 234-0621

FACSIMILE (402) 475-8328

www.keatinglaw.com

VIA HAND DELIVERY

Mr. Don Taute
Personnel Director
City of Lincoln
555 S. 10th Street
Lincoln, NE 68508

RE: Termination of Cindy Lugan, Computer Operator II,
Department of Finance

Dear Don:

This firm represents National Association of Government Employees Local No. R9-38, and City of Lincoln regular employee Cindy Lugan, who is a member of the NAGE bargaining unit.

Pursuant to Article 8 of the bargaining agreement between the City of Lincoln and NAGE, Ms. Lugan is providing formal notice of her appeal of her termination by the City of Lincoln before the Personnel Board of the City of Lincoln.


The basis for the appeal is that the City did not have just cause to terminate Ms. Lugan, and as such, the termination is a violation of Article 8, Section 6 of the Bargaining Agreement between NAGE and the City of Lincoln. Ms. Lugan has requested that this firm, as NAGE counsel, submit this appeal on her behalf.

We request that the appeal be placed on the Agenda of Personnel Board for the month of April.

We are also requesting a complete copy of Ms. Lugan's personnel file at this time, and any medical evidence or submissions that the City has received regarding her ability to do her job.

If you have any questions regarding the above, please do not hesitate to contact me.

Yours very truly,


Gary L. Young
For the Firm

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TY - COUNTY PERSONNEL

M E M O R A N D U M

To: Cindy Lugan, Information Services
From: Bill Kostner, Risk Management
Randy Ober, Information Services *Ro*
Date: February 24, 2005
Subject: Doctor Bozarth note dated February 21, 2005
cc: Don Taute, Personnel
Doug Thomas, Information Services

I have reviewed the note from Doctor Bozarth dated February 21, 2005 with Bill Kostner. We have determined that it is not acceptable as there continues to be a lifting restriction for you. As we discussed in the meeting with you on February 17th, it has been 14 months that you have been on light duty status and that is beyond the maximum period allowed as per Administrative Regulation 19.

Your day-to-day computer operations duties requires lifting of computer paper boxes at times throughout your shift. With that, unless we receive some further documentation from you and your doctor stating that lifting in the 50 pound range is able to be done, your employment as a computer operator will end after the completion of your shift on Monday, February 28th, 2005.



MAYOR COLEEN J. SENG

www.ci.lincoln.ne.us

Finance Department
Don Herz, Director
555 South 10th Street
Suite 103
Lincoln, Nebraska 68508
402-441-7411
fax: 402-441-8325

February 2, 2005

Cynthia Lukan
3846 S. 15th Street
Lincoln, NE 68502

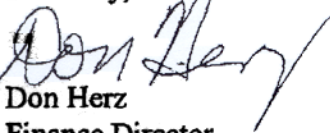
Dear Ms. Lukan:

The City of Lincoln has received your letter from Dr. Bozarth dated January 19, 2005, wherein the doctor states his concern for your ability to lift 50 lbs or more. The doctor also states that your "lifting capabilities is indeterminant." As such, and since your job as a Computer Operator II requires you to lift heavy boxes, it is my duty to inform you that as of **February 18, 2005**, your employment with the City of Lincoln, Finance Department, Division of Information Services, is hereby terminated.

Please contact Pat Kant in Personnel to see if other employment is available that more closely matches your skills and abilities. It is unfortunate that your injury will not allow you to perform all of the necessary functions of your job, but I hope that with the abilities and skills you have gained here, you will be able to secure employment with a company where you can work without additional harm or possibility of injury.

Cindy, I wish you the best in your future employment efforts.

Sincerely,



Don Herz
Finance Director

Cc: Don Taute, William Kostner, Margaret Blatchford, Will Gross, Randy Ober, Robin Mulder, ~~Don~~ Thomas, Pat Kant

Mr. Rolf Shasteen, Attorney At Law, 840 N. 48th Street, Lincoln, NE 68504